

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JIMMY JOE SANCHEZ,

Plaintiff,

v.

TOREY CASEY, BRIAN FILYAW,
SHANE FLEMING, STANLEY
TAYLOR, LUKE BURGHER.

Defendants.

CASE NO. C14-5406 RBL-JRC

REPORT AND
RECOMMENDATION

NOTED FOR:
JULY 25, 2014

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

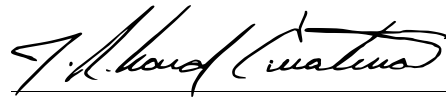
Plaintiff has filed a motion for voluntary dismissal of this action (Dkt. 16). Plaintiff is entitled to dismissal as a matter of right pursuant to Fed. R. Civ. P. 41(a)(1) because no defendant has filed an answer or motion for summary judgment.

Because plaintiff is an inmate, the Prison Litigation Reform Act applies to this action. Plaintiff must still pay the full filing fee. *See* 42 U.S.C. § 1915(b)(1). The undersigned

1 recommends that this action be dismissed without prejudice, but that plaintiff be assessed the
2 Three Hundred and Fifty Dollar (\$350) filing fee.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
4 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
5 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
6 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
7 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on July
8 25, 2014, as noted in the caption.

9 Dated this 24th day of June, 2014.
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15 J. Richard Creatura
16 United States Magistrate Judge
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